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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Bianca M. Conti-Fine	Examiner: Evelyn Rabin, Ph.D.
Serial No.:	08/991,143	Group Art Unit: 1644
Filed:	December 16, 1997	Docket: 600.423US1
Title:	METHODS TO TREAT UNDESIRABLE IMMUNE RESPONSES	

RESPONSE TO RESTRICTION REQUIREMENT

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

In response to the Restriction Requirement mailed September 14, 1998, Applicant provisionally elects with traverse the invention of Group I (claims 1-16 and 31), directed to methods of treating an indication or disease associated with aberrant, pathogenic or undesirable antibody production by administering to a mammal at least one epitope peptide which comprises an immunodominant epitope sequence. Reconsideration and withdrawal of the Restriction Requirement, in view of the remarks presented below, is respectfully requested.

The Restriction Requirement is traversed on the basis that the inventions are so closely related that they cannot be properly considered independent and distinct within the statutory meaning of 35 U.S.C. §121. More specifically, claims 1-16 and 31 (Group I), directed to methods of treating an indication or disease associated with aberrant, pathogenic or undesirable antibody production by administering to a mammal at least one epitope peptide which comprises an immunodominant epitope sequence are related to claims directed to a method to tolerize a mammal to an antigen associated with aberrant, pathogenic or undesirable antibody production in which at least one epitope peptide comprising a universal immunodominant epitope sequence is administered (claims 17-18 and 31; Group II); claims directed to methods of identifying an immunodominant epitope sequence useful for tolerization (claims 19-20; Group III); a claim directed to a method of identifying a universal epitope sequence useful for tolerization (claim 21; Group IV); claims directed to a therapeutic method in which an epitope peptide comprising an immunodominant epitope sequence is administered to the respiratory tract of a mammal (claims 22 and 31; Group V); claims directed to a therapeutic

method in which an epitope peptide comprising an immunodominant epitope sequence is administered to the respiratory tract of a mammal that is subjected to exogenous introduction of an endogenous protein (claims 23 and 31; Group VI); claims directed to a therapeutic method in which an epitope peptide comprising an immunodominant epitope sequence is administered to the respiratory tract of a mammal that is subjected to recombinant viral gene therapy (claims 24 and 31; Group VII); claims directed to a tolerogen comprising at least one immunodominant epitope sequence (claims 29 and 30; Group VIII); a claim directed to a method to inhibit or treat an antibody-mediated disease in which an epitope peptide comprising an immunodominant epitope sequence is administered to a mammal subjected to plasmapheresis (claim 32; Group IX); and a claim directed to a method to inhibit or treat an antibody-mediated disease in which an epitope peptide comprising an immunodominant epitope sequence and an agent which inhibits B cell activation are administered to a mammal subjected to plasmapheresis (claims 33; Group X).

Thus, the claims are broadly directed to methods in which an epitope peptide is administered to a mammal, methods of identifying an immunodominant epitope sequence or a universal epitope sequence, and a tolerogen comprising an immunodominant epitope sequence. Applicant therefore asserts that the claims in Groups I through X encompass a unitary inventive concept.

In particular, the claims in Group I, directed to methods of treating an indication or disease associated with aberrant, pathogenic or undesirable antibody production by administering to a mammal at least one epitope peptide which comprises an immunodominant epitope sequence, are closely related to claims directed to a method to tolerize a mammal to an antigen associated with aberrant, pathogenic or undesirable antibody production by the administration of at least one epitope peptide comprising an universal immunodominant epitope sequence (claims 17-18 and 31; Group II). Therefore, the claims in Groups I and II are clearly related.

Moreover, the Restriction Requirement is also traversed on the basis that restriction requirements are optional in all cases. M.P.E.P. §803. If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on

the merits, even though it may arguably include claims to distinct or independent variations. M.P.E.P. §803. In the present application, it is respectfully submitted that the search and examination of the entire application can be made without serious burden on the Office.

Specifically, Applicant asserts that the search and examination of the claims in Groups I and II will not be a serious burden to Examiner. Evidence that the claims of Groups I and II can be efficiently and effectively searched concurrently is provided in the Restriction Requirement, where the Examiner notes that claims in Group I and Group II fall within the same class (424) and subclass (810) for search purposes.

Thus, it is evident that these Groups of claims are so closely related that the Restriction Requirement is properly traversed, and reconsideration is respectfully requested.

The Examiner is invited to contact Applicant's Representatives at the below-listed telephone number if there are any questions regarding this Response or if prosecution of this application may be assisted thereby.

Respectfully submitted,

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By her Representatives,

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Date November 16, 1998 By

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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Assistant Commissioner of Patents, Washington, D.C. 20231 on November 16, 1998.

Name Dawn M. Poole

Signature